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## Board of Health Minutes 09/04/2014

### Town of Mashpee

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

#### BOARD OF HEALTH – PUBLIC SESSION

##### Minutes of the Meeting of September 4, 2014

**Board Members Present:**

Lucy Burton, Chair  
Burton Kaplan, Co-Chairman  
Kalliope Egloff, Clerk

**Also Present:**

Glen Harrington, Health Agent

Chair Lucy Burton called the meeting to order at 7:00 PM.

**NEW BUSINESS**

**1. Sign Expense Warrants.** The Board members signed the expense warrant.

**2. Review/Approve BOH Public Session Minutes: August 7, 2014 and August 21, 2014.**

Burton Kaplan made a motion that the Board of Health approve the Public Session minutes of August 7, 2014, as amended. Kalliope Egloff seconded the motion. The motion was unanimously approved.

Burton Kaplan made a motion that the Board of Health approve the Public Session minutes of August 21, 2014, as amended. Lucy Burton seconded the motion. The motion was unanimously approved.

**3. Review/Approve BOH Executive Session Minutes: July 17, 2014, and August 7, 2014.**

The Board of Health Executive Session minutes for July 17, 2014, and August 7, 2014, were continued due to pending litigation.

**4. Amend Board's Decision – Title V Variance: Sea Oaks Condominium, 195 Falmouth Road.**

Lucy Burton stated that this is a formality to bring the Title V Variance into compliance with the previously approved variance for Sea Oaks Condominium at 195 Falmouth Road.

Glen Harrington commented that the conditions approved on November 9, 2011, do not match the conditions from the recent meeting on August 7, 2014. In order to be consistent, the Board will need to approve the following conditions:

- A Zabel outlet tee filter Model A-100 or equal shall be installed on a septic tank outlet, as determined by the designer. The outlet tee filters require annual maintenance per the manufacturer.
- A septic permit for each system repair shall be required.
- The pumping program proposed and approved by the Condominium Board of Trustees was approved by the Board of Health. The septic tanks shall be pumped on a 24-month cycle.

Kalliope Egloff made a motion that the Board of Health approve the conditions listed above as an amendment to the variances requested on August 7, 2014, for Sea Oaks Condominium. Lucy Burton seconded the motion. The motion was unanimously approved.



#### **5. Title V Variance: 379 Main Street.**

Glen Harrington commented that the property located at 379 Main Street is occupied by renters, and the septic system has failed. The two existing cesspools in the driveway have overflowed and have been pumped several times leaving little capacity. The depth to groundwater was a concern so two test holes were performed, and unsuitable soil was encountered. Mr. Harrington feels he will be able to maintain the 100 feet to the wetlands. Mr. Harrington remarked that two contractors have looked at the design and have provided quotes to the owner for the repair; however, the owners are seeking funds through the Mashpee Wampanoag Tribal Council to pay for the repair.

The Board reviewed the variance request, and Mr. Harrington summarized the discussion which is to approve the variance with the conditions to pump as soon as possible and weekly or per the agent, no parking on the collapsing cesspools, and the septic tank is to be H-20 rated.

The variance required is depth to groundwater, 310 CMR 15.405.1h. The Board may approve the reduction as the variance meets all the other required criteria of that section. The groundwater elevation was adjusted using the Frimpter method which is a conservative estimate of groundwater fluctuation.

Kalliope Egloff made a motion that the Board of Health approve the variance for 379 Main Street with the conditions to pump the system as soon as possible and also weekly or per the agent, no parking on the collapsing cesspools, and the septic tank is to be H-20 rated. Lucy Burton seconded the motion. The motion was unanimously approved.

#### **6. Request for 2014 Tobacco License: The Dollar Saver.**

Glen Harrington remarked that the Dollar Saver is requesting a 2014 Tobacco Sales Permit. The store has received State approval through Massachusetts Department of Revenue. The permit fee has been paid, and the required retail tobacco signage will be provided by the Mashpee Board of Health.

Kalliope Egloff made a motion that the Board of Health approve the 2014 Tobacco Sales Permit for The Dollar Saver located at 401 Nathan Ellis Highway. Lucy Burton seconded the motion. The motion was unanimously approved.

### **OLD BUSINESS**

#### **1. Variance Request from Stable Regulation: 29 Tri-Town Circle.**

Sandra Cobb of 29 Tri-Town Circle introduced herself to the Board.

Lucy Burton stated her concern that the property at 29 Tri-Town Circle is a half-acre lot, there are neighbors on three sides, and the necessary setbacks may not be maintained.

Glen Harrington remarked that in the past a similar variance requesting the same distance was denied. The two reasons for denial of 3 Beechwood Drive were lot constraints that do not allow the proper storage of manure without creating a potential of a nuisance and lack of adequate pasture land to allow for grazing and exercise.

Glen Harrington performed additional research and discovered that the minimum area for a paddock can be 12' by 20', which is 240 square feet. The paddock area at 29 Tri-Town Circle without the variance is 875 square feet, and with the variance it would be around 1200 square feet. The 50' distance is a requirement to the Board of Health regulation. There are similarities between the Beechwood Drive area and the Tri-Town Circle neighborhood concerning density. The pasture area does meet the requirements from the abutters. However, it would still be difficult to keep the area free from flies and insects.

Ms. Cobb did not contact her neighbors to present the possibility of keeping a horse on her property at 29 Tri-Town Circle. She feels that the neighbors would not have any issues with having the horse on the property. Ms. Cobb stated that the grain store sells stall pellets to absorb urine in the stalls and paddock areas. When the stable area is cleaned, the hay, manure and the pellets are all removed and taken to the transfer station.

Glen Harrington suggested to approve the permit and variance with the following conditions:

- The stable remains in compliance (the manure is cleaned daily from the paddock and removed weekly at a minimum).
- No composting on site (not enough room and the abutters are too close).
- Require a wood structure constructed according to the Stable Regulation (recommending a 10' by 12' rather than a 10' by 10' structure so that there is room to store feed)



- The paddock/turnout area shall be constructed according to the approved plan and be free of trees (except for large shade trees) and no stumps. Town water shall be used for watering the animal (no wells due to a moratorium).
- Permit restricted to one horse.

Lucy Burton expressed her opinion and felt that the lot is too small (about 13,000 square feet), the proximity to the neighbors, and the density of the neighborhood. Ms. Burton will not approve the request. Kalliope Egloff agreed with Ms. Burton that the lot is small and will also deny the request for the stable permit and variance.

Lucy Burton made a motion that the Board of Health deny the permit request for a variance to the Board of Health current Stable Regulation for 29 Tri-Town Circle for the reason of lot constraints, creating a potential nuisance, and neighborhood density. Kalliope Egloff seconded the motion. The motion was approved. Burton Kaplan opposed the motion.

## **2. Refuse Regulation – Draft Amendments.**

Lucy Burton remarked that the draft refuse regulation appears to be straightforward.

Glen Harrington stated that the Board of Health has received complaints that two of the haulers are collecting trash very early in the morning in residential areas. Mr. Harrington would like to add time frames for trash and recycling pick-up for residential properties. Mr. Harrington will make the additions to the draft refuse regulation and forward a copy to the Board members for review.

The Board is in agreement to have a time frame for trash and recycling pick-up in residential areas.

## **ADDITIONAL TOPICS**

**None.**

## **NEXT MEETING**

The next meeting of the Board of Health is scheduled for Thursday, September 18, 2014, at 7:00 PM. As there was no further business, Kalliope Egloff made a motion to adjourn the Public Session Meeting of the Board of Health at 7:49 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos  
Administrative Assistant  
Mashpee Board of Health

attachments